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BETH CHAPMAN
SECRETARY OF STATE

June 2, 2010

The Honorable Mike Hubbard
Chairman of Alabama Republican Party
PO Box 55628
Birmingham, AL 35255

Dear Representative Hubbard:

Due to the questions surrounding the Republican gubernatorial primary runoff election, I am providing you with the attached information, compiled by my Chief Legal Advisor and Elections Staff.

If you should have any other questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beth Chapman', with a stylized flourish at the end.

Beth Chapman
Secretary of State

STATUTORY TIME LINE REGARDING JUNE 1, 2010 PRIMARY ELECTION

PROVISIONAL BALLOTS

1. Sheriff delivers sealed provisional ballots to Board of Registrars no later than noon on the day following the election (**June 2, 2010**) (Ala. Code § 17-10-2(d)).
2. Upon receiving sealed provisional ballot envelope, voter registrars determine which ballots are entitled to be counted and reason for or against counting the provisional ballot. (Ala. Code § 17-10-2(e)).
3. Board of registrars delivers their certified findings to the Probate Judge no later than noon seven days after the election (**June 8, 2010**) (Ala. Code § 17-10-2(e)).
4. Beginning at noon on Tuesday, **June 8, 2010**, county Republican executive committee tabulates provisional ballots which have been certified by Board of Registrars as entitled to be counted. These provisional balloting results are treated as a separate precinct. The canvassing board shall certify the results of provisional votes cast and shall post one copy in a public location within the courthouse. Voters can find out if their provisional ballot was counted. This may be accomplished by telephone, by letter, or by secured electronic means. (Ala. Code § 17-10-2(f)).

CANVASSING, TABULATION AND DECLARATION OF RESULTS

5. The party county executive committee shall meet not later than noon on the Tuesday after the primary election and canvass and tabulate the results (**June 8, 2010**) (Ala. Code § 17-13-17).
6. Each county executive committee chair shall not later than noon on the Wednesday eight days following the primary election certify and return to the chair of the state executive committee a statement and tabulation, by precincts, of the result of the primary election and the number of votes received by each candidate (**June 9, 2010**) (Ala. Code § 17-13-17).
7. Not later than noon on the Friday 10 days following the primary election, the state executive committee shall receive the returns, canvass and tabulate the same by counties and publicly declare the results (**June 11, 2010**) (Ala. Code § 17-13-17).

RECOUNT PROCEDURES

Ala. Code § 17-16-21(a) provides that "Any person with standing to contest the election under Sections 17-16-40 and 17-16-47 may petition the canvassing authority for a recount of any or all precinct returns. **The time period for requesting a recount begins with the production of the certificate of result and ends 48 hours after the official canvass of county returns.**"

The statute further provides, "The petitioner must be prepared to pay the cost of the recount and shall give security to cover these costs. The canvassing authority shall set the amount of the security based upon an estimate of actual costs. The costs shall be kept to a minimum by using county personnel or volunteer workers whenever possible. However, the recount must be conducted under the supervision of a trained and certified precinct election official. Representatives of opposing interests shall be given at least 24 hours' notice and shall be invited to participate in the recount."

"If the recount produces a change in precinct totals of sufficient magnitude to alter the result of the election, the outcome shall constitute grounds for an election contest as now prescribed by law." (Ala. Code § 17-16-21(d)).

PRIMARY CONTEST

ALA. CODE § 17-13-70 provides, "Any contest to a **nomination** made by primary election must be filed within **24** hours after the results of the primary election have been declared, weekends excluded..."